

Under the Paperwork Reduction Project 095, no persons are required to respond to a collection of information unless it displays a valid OMB control number

Effective on 12/08/2004.  
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL For FY 2008

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 1,115.00

## Complete if Known

|                      |                   |
|----------------------|-------------------|
| Application Number   | 10/651,583        |
| Filing Date          | August 29, 2003   |
| First Named Inventor | TOPP, Daniel P.   |
| Examiner Name        | PARSLEY, David J. |
| Art Unit             | 3643              |
| Attorney Docket No.  | TOPP-P7.1-US      |

## METHOD OF PAYMENT (check all that apply)

☐ Check ☒ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_

☐ Deposit Account Deposit Account Number: \_\_\_\_\_ Deposit Account Name: \_\_\_\_\_

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, **except for the filing fee**

☐ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☐ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

## FEE CALCULATION

### 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

| Application Type | FILING FEES |                       | SEARCH FEES |                       | EXAMINATION FEES |                       | Fees Paid (\$) |
|------------------|-------------|-----------------------|-------------|-----------------------|------------------|-----------------------|----------------|
|                  | Fee (\$)    | Small Entity Fee (\$) | Fee (\$)    | Small Entity Fee (\$) | Fee (\$)         | Small Entity Fee (\$) |                |
| Utility          | 310         | 155                   | 510         | 255                   | 210              | 105                   |                |
| Design           | 210         | 105                   | 100         | 50                    | 130              | 65                    |                |
| Plant            | 210         | 105                   | 310         | 155                   | 160              | 80                    |                |
| Reissue          | 310         | 155                   | 510         | 255                   | 620              | 310                   |                |
| Provisional      | 210         | 105                   | 0           | 0                     | 0                | 0                     |                |

### 2. EXCESS CLAIM FEES

| Fee Description  | Fee (\$)            | Small Entity Fee (\$) |
|--|---------------------|-----------------------|
| Each claim over 20 (including Reissues)                                | 50                  | 25                    |
| Each independent claim over 3 (including Reissues)                     | 210                 | 105                   |
| Multiple dependent claims  | 370                 | 185                   |
| <b>Total Claims</b>  | <b>Extra Claims</b> | <b>Fee (\$)</b>       |
| _____ - 20 or HP = _____ x _____ = _____                               |                     |                       |
| HP = highest number of total claims paid for, if greater than 20.      |                     |                       |
| <b>Indep. Claims</b>   | <b>Extra Claims</b> | <b>Fee (\$)</b>       |
| _____ - 3 or HP = _____ x _____ = _____                                |                     |                       |
| HP = highest number of independent claims paid for, if greater than 3. |                     |                       |

### 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$260 (\$130 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

|   |              |  |          |               |
|---|--------------|--|----------|---------------|
| Total Sheets  | Extra Sheets | Number of each additional 50 or fraction thereof | Fee (\$) | Fee Paid (\$) |
| _____ - 100 = _____ / 50 = _____ (round up to a whole number) x _____ = _____ |              |  |          |               |

### 4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): five month extension of time

Fees Paid (\$)

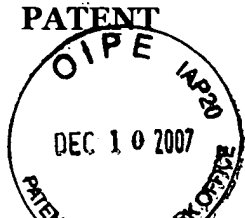
1,115.00

## SUBMITTED BY

|                   |                         |                                   |                  |           |              |
|-------------------|-------------------------|-----------------------------------|------------------|-----------|--------------|
| Signature         |                         | Registration No. (Attorney/Agent) | 35,517           | Telephone | 610-485-9400 |
| Name (Print/Type) | Mark A. Garzia, Esquire | Date                              | December 5, 2007 |           |              |

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



PATENT MARK OFFICE,  
COPYRIGHT AND  
RELATED MATTERS

ATTY. DOCKET: TOPP-P7.1-US

AF  
10

## MARK A. GARZIA, P.C.

A PROFESSIONAL CORPORATION

2058 CHICHESTER AVENUE  
BOOTHWYN, PA 19061-3735

ATTORNEY AT LAW  
*Admitted in PA and NJ*  
*Registered Patent Attorney*

Telephone: 610.485.9400  
Facsimile: 610.485.7660  
E-mail: mark@patentcounsel.net

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO. : 10/651,583  
IN RE APPLICANT : TOPP, Daniel P.  
TITLE : APPARATUS FOR ERADICATING PESTS  
FILING DATE : August 29, 2003  
CONFIRMATION NO. : 8842  
EXAMINER : David J. Parsley  
ART UNIT : 3643  
CUSTOMER NO. : 021616

To: Mail Stop APPEAL BRIEF – PATENTS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

### **TRANSMITTAL LETTER ACCOMPANYING AMENDED APPEAL BRIEF TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Dear Sir:

Enclosed herewith is Appellant's Amended Brief Pursuant to 37 C.F.R. §§ 1.192 and

41.37 (34 pgs.). The Appellant's Amended Brief is being submitted in response to a

12/10/2007 SFELEKE1 00000080 10651583

01 FC:2255

1115.00 0P

Page 1 of 3

communication titled Defective Appeal Brief dated June 5, 2007. The Defective Appeal Brief communication set a shortened statutory period for response that expired on July 5, 2007.

Accordingly, a Petition for Extension of Time, and the appropriate extension fee, to extend the period for response through today's date are enclosed.

The Defective Appeal Brief communication listed several informalities in Appellant's Brief mailed September 11, 2006. Appellant believes it has addressed all informalities listed in the communication.

[XX] Small entity status of this application pursuant to 37 C.F.R. §1.27 has been established.

[XX] Applicant petitions for an Extension of Time under 37 C.F.R. §1.136 (fees: 37 C.F.R. §1.17(a) - (d) for the total number of months checked below:

| Extension<br>Months(s) | Fee For Other Than<br>Small Entity | Fee For<br>Small Entity |
|------------------------|------------------------------------|-------------------------|
| [ ] 1 Month            | \$120.00                           | \$ 60.00                |
| [ ] 2 Months           | \$460.00                           | \$230.00                |
| [ ] 3 Months           | \$1,050.00                         | \$525.00                |
| [ ] 4 Months           | \$1,640.00                         | \$820.00                |
| [XX] 5 Months          | \$2,230.00                         | \$1,115.00              |

[XX] Claims Appendix – Listing of Claims (7 pgs.) are enclosed.

[XX] Evidence Appendix cover page (2 pgs.) Is enclosed.

[XX] Copy of Declaration Under 37 CFR §1.132 of Jeffrey S. Helmes (5 pgs.) is enclosed; and

[XX] Copy of pages from *Audel HVAC Fundamentals Volume I - Heating Systems, Furnaces, and Boilers*, 4<sup>th</sup> Edition, James E. Brumbaugh, ©2004 by Wiley Publishing, Inc., Indianapolis, IN, pages 2-3, 16, 18-21, 125, 273, 125, 185, 273

[XX] Related Proceedings Appendix (1 pg.) is enclosed.

[XX] Other documents that are enclosed:

[XX] Fee Transmittal for FY2008 – Form PTO/SB/17 (1 pg.); and

[XX] A postage-prepaid, self-addressed postcard for the PTO to acknowledge receipt of this communication.

[XX] Payment is made by:

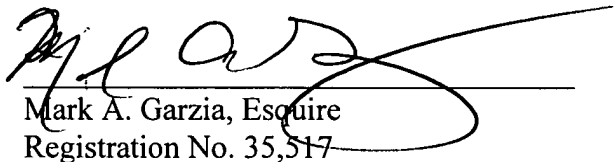
[ ] Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_. Two copies of this transmittal are attached.

[XX] Credit Card Payment Form PTO-2038 authorizing a charge in the amount of \$1,115.00 (fee for 5 month Extension of Time) is enclosed to cover the fee(s) due.

Respectfully submitted,

5 DECEMBER 2007

Date

  
Mark A. Garzia, Esquire  
Registration No. 35,517

Law Offices of Mark A. Garzia, P.C.  
2058 Chichester Ave.  
Boothwyn, PA 19061  
Telephone: (610) 485-9400

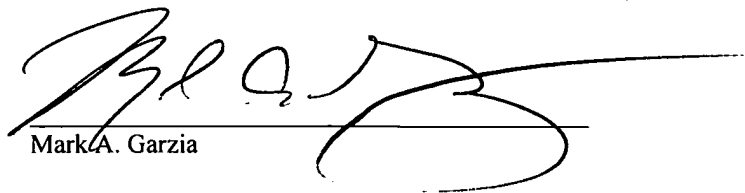
\* \* \* \* \*

CERTIFICATE OF MAILING

I hereby certify that this communication, along with any paper or fee indicated as being enclosed, are being deposited with the United States Postal Service as first-class mail, postage prepaid, in an envelope addressed to: Mail Stop APPEAL BRIEF – PATENTS, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.

5 DECEMBER 2007

Date

  
Mark A. Garzia